

CLERK'S OFFICE U.S. DISTRICT COURT
AT ABINGDON, VA
FILED

SEP - 2 2020

JULIA B. DUDLEY, CLERK

BY:

DEPUTY CLERK

Teresa Emerson
22047 Safari Drive
Bristol, VA 24202
276-608-5740
teresate@bvu.net

August 30, 2020

Honorable James P. Jones
U.S. District Judge
180 W. Main Street, Room 104
Abingdon, VA 24210

1:19CR5

Dear Honorable James P. Jones

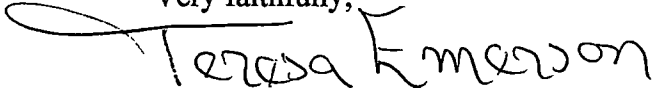
I held an Advanced Practice Nurse License in Virginia until it was suspended due to a felony conviction. On August 21, 2018 in the United States District Court for the Southern District of West Virginia, I pled guilty to the charge contained in the single-count information filed against me, a violation of 21 U.S.C. 843(a)(3) and 18 U.S.C. 2 (aiding and abetting obtaining a controlled substance by fraud). My judgement was entered on November 29, 2018. I was ordered to pay \$100, complete 100 hours of community service, and placed on probation for 3 years. I immediately paid my fine, I completed my community service hours by early February 2019, and have complied with all the terms of my probation. When I completed my community service, I was placed on administrative probation. I submit a monthly probation report and I keep my probation officer, Debbie Foster, updated on everything. I always ask for permission if I need to travel outside of my designated area. I return on time and let Debbie know that I am back. I am not required to do drug screening and my probation officer does not have to do home visits.

On July 21, 2020, I appeared before the Virginia Board of Nursing regarding my application to reinstate my license to practice professional nursing. The Board granted my application and reinstated my license without restriction. I am currently working on completing the continuing education courses as directed in the Board's Order. I have attached the Board's Order for your review and consideration. I am also sending out resumes and searching for employment in the health care field. I love caring for my patients and am so grateful that I have been granted a second chance!

During the application process for reinstatement of my Registered Nursing license, the Board of Nursing investigator spoke with my probation officer and I learned of the possibility of early release from probation. I have successfully completed over half of my probation term. I am asking that you please grant me early release from the remainder of my probation. I am aware that the offense I committed was serious and I am extremely sorry for my involvement in it. I am currently working full time as a housekeeper at The Virginian Golf Club where I have been since October 2019. I am also greatly involved with our church where I am a member of the adult choir and actively participate and volunteer my services for church activities. My husband

and I are raising his twin 14-year-old grandsons and I assist with the care of my husband's elderly parents. I will be forever grateful if you allow my early release.

Very faithfully,



Teresa Emerson



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367-4400
FAX (804) 527-4475

Virginia Board of Nursing
Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director

Board of Nursing (804) 367-4515
Nurse Aide Registry (804) 367-4639
FAX (804) 527-4455

July 29, 2020

Teresa Emerson, R.N. Reinstatement Applicant
22047 Safari Drive
Bristol, Virginia 24202

Certified Article Number

9414 7266 9904 2153 0694 41

SENDER'S RECORD

RE: Case Number 199824

Dear Teresa Emerson:

Enclosed is a certified true copy of the Order entered by the Virginia Board of Nursing ("Board"), following the Formal Hearing held on July 21, 2020.

In order to monitor your compliance with the terms and conditions of the Order, this matter will be forwarded to Tonya James, Compliance Case Manager for the Board. Please direct all questions, documents, and correspondence related to your compliance with the Order to Ms. James at (804) 367-4536, or to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233-1463. Should you have any questions regarding this matter, please contact our office at (804) 367-4614.

Sincerely,
Charlette N. Ridout

Charlette N. Ridout, R.N., M.S., C.N.E.
Deputy Executive Director
Virginia Board of Nursing

CNR/dg'

cc: Julia Bennett, Deputy Director, Administrative Proceedings Division
David Kazzie, Adjudication Specialist
Sean Murphy, Assistant Attorney General
Gayle Miller, Senior Investigator
Tonya James, Compliance Case Manager
Melissa Gregory, Administrative Specialist
Susan Brooks, Operations Manager, Administrative Proceedings Division
P. Danielle Stone, Esquire, Penn Stuart, 208 East Main Street, Abingdon, VA 24210
David E. Brown, D.C., Director, Department of Health Professions
Barbara Allison-Bryan, M.D., Chief Deputy Director, Department of Health Professions

Board of Audiology & Speech-Language Pathology – Board of Counseling – Board of Dentistry – Board of Funeral Directors & Embalmers
Board of Long-Term Care Administrators – Board of Medicine – Board of Nursing – Board of Optometry – Board of Pharmacy
Board of Physical Therapy – Board of Psychology – Board of Social Work – Board of Veterinary Medicine
Board of Health Professions

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: TERESA THAYER EMERSON, R.N. REINSTATEMENT APPLICANT
License Number: 0001-200106
Case Number: 199824

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing ("Board") held a formal administrative hearing on July 21, 2020, in Henrico County, Virginia, to receive and act upon Theresa Thayer Emerson's application for reinstatement of her license to practice professional nursing in the Commonwealth of Virginia and to inquire into evidence that grounds exist to deny said application.

Teresa Thayer Emerson, R.N. appeared at this proceeding and was represented by P. Danielle Stone, Esquire.

NOTICE

By letter dated June 11, 2020, the Board sent a Amended Notice of Formal Hearing ("Notice") to Ms. Emerson notifying her that a formal administrative hearing would be held on July 21, 2020. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On February 27, 2006, the Board issued License Number 0001-200106 to Teresa Thayer Emerson, R.N. to practice professional nursing in the Commonwealth of Virginia. Said license was

ORDER – Teresa Thayer Emerson, R.N. Reinstatement Applicant

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mandatorily suspended by the Department of Health Professions on January 3, 2019. Her primary state of residence is Virginia.

2. On November 29, 2018, Ms. Emerson was convicted in the U.S. District Court for the Southern District of West Virginia of aiding and abetting obtaining a controlled substance by fraud, a felony. This action formed the basis of the mandatory suspension of her license by the Virginia Department of Health Professions.

3. Ms. Emerson testified at the formal hearing. She explained that the felony conviction was due to her employment at a pain clinic that was investigated by federal authorities. She testified that her collaborating physician had written the original prescriptions and she refilled those prescriptions. She stated that she did not see new patients in the clinic. She told the Board that she believed that the prescriptions were for a legitimate medical purpose.

4. Ms. Emerson testified that she did not receive extensive training on pain management and opioid prescribing and that she relied on her collaborating physician to train her as a pain management nurse practitioner; she testified that this did not occur to her satisfaction. She stated that after this experience, she has learned that she needs to understand her practice and not simply trust that someone else is going to train her and tell her what is correct.

5. There was no evidence of practice concerns when Ms. Emerson was practicing as an L.P.N. or R.N.

6. Ms. Emerson accepted responsibility for her actions in her testimony. The Board found her to be a credible witness.

7. Ms. Emerson provided 21 letters in support of her application for reinstatement,

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of Virginia Code § 54.1-3007(4).

ORDER – Teresa Thayer Emerson, R.N. Reinstatement Applicant

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2. Ms. Emerson has demonstrated that she is prepared to resume the safe and competent practice of professional nursing.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the proceeding, effective upon entry of this Order, ORDERS that the license issued to Teresa Thayer Emerson, R.N., to practice professional nursing in the Commonwealth of Virginia is REINSTATED without restriction.

2. Within 90 days from the date of entry of this Order, Ms. Emerson shall provide written proof satisfactory to the Board of successful completion of a Board-approved course in the area of pain management and the following NCSBN course(s): *Professional Accountability & Legal Liability for Nurses; Righting a Wrong: Ethics and Professionalism in Nursing*; and *Sharpening Critical Thinking Skills*. Continuing education obtained through compliance with this term shall not be used toward licensure renewal.

3. Ms. Emerson shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

4. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of professional nursing shall constitute grounds for further disciplinary action.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

ORDER – Teresa Thayer Emerson, R.N. Reinstatement Applicant

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FOR THE BOARD

Charles N. Ridout

Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.

Executive Director

Virginia Board of Nursing

ENTERED AND MAILED ON:

July 29, 2020

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By *A. Graham*

Virginia Board Of Nursing

M. KATHRYN MAYBURY
P.O. Box 17447
Bristol, Virginia 24209
(276) 644-0224
(276) 258-0644 (facsimile)
attorneyinvirginia@gmail.com

August 10, 2020

Honorable Judge James P. Jones
U.S. District Judge
180 W. Main Street, Room 104
Abingdon, VA 24210

Re: Teresa Emerson

Dear Honorable Judge Jones,

Please allow this letter to serve as a character reference for Teresa Emerson who is seeking early release from probation. I have known Teresa for almost 20 years, since I started to attend Victory Baptist Church in Bristol, Virginia in 2002, and feel that I know her well. She has told me that she and her husband Ronnie have attended Victory Baptist Church for about 30 years and have been married for over 30 years. Teresa and her husband faithfully attend church multiple times each week with their grandchildren. Over the past 18 years, I have seen them once or twice every week at church, except when their family or my family was travelling or ill, and for a brief period during the pandemic. Teresa has been in our church's choir for many years. Over the years, I also have seen them at many activities outside of the church.

Teresa and Ronnie Emerson are very stable, hard-working people. They are law-abiding, ethical, moral, and also kind and humble. In church and in other public venues, I have never seen or witnessed any behavior that would lead me to believe that either of them would ever engage in questionable conduct. I have never known either of them to consume alcohol or use any other substances that could cause impairment and they have never appeared impaired at any point. Indeed, they seem to live as "clean" as anyone I have ever known. I have also had occasion to be in their home previously with them and their family. No one at any time displayed any concerning behavior whatsoever.

Teresa and Ronnie Emerson are family and community-oriented. They are selfless as they raise their grandchildren and take care of their family. Teresa helped take care of her parents prior to their deaths and has helped take care of her husband's elderly parents.

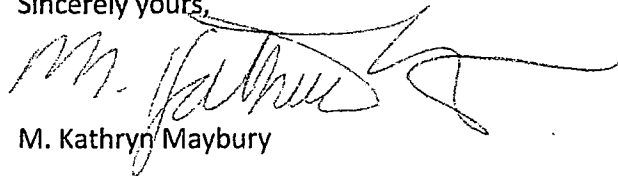
Through the years, my children have participated in many church activities and also in school and community sporting events with Teresa's twin grandsons. At almost every game and sporting event, Teresa has been present supporting and taking care of the twins. The twins are very talented and athletic and have had the opportunities to succeed in those areas because of Teresa's constant hard work and attentiveness.

Teresa has been helpful to me personally over the years as I went through a very difficult divorce and tackled the challenge of raising my four children alone and resuming my law practice. She and her husband were very kind and emotionally supportive. I am a very protective mother and there are few people I would trust to take care of my children. I would not hesitate to trust my children with Teresa and Ronnie Emerson.

From all of my numerous and regular interactions with Teresa for almost twenty years, I have no doubt that if she was granted early release from probation there would be no negative change in her behavior or risk thereby. Having practiced criminal defense for almost ten years, I do not make such statement lightly. This would appear to benefit the probation officer(s) in allowing them to use their resources and time for other probationers who need more attention.

Your Honor, thank you for your time and consideration of this letter and the others presented on behalf of Teresa Emerson and her request for early release from probation.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'M. Kathryn Maybury', with a stylized flourish extending to the right.

M. Kathryn Maybury

PENNSTUART

ABINGDON | BRISTOL | JOHNSON CITY | RICHMOND

208 E. MAIN ST., ABINGDON, VA 24210

PENNSTUART.COM

Danielle Stone

dstone@pennstuart.com

D: 276 623 4423

F: 276 623 5543

August 11, 2020

Honorable James P. Jones
U.S. District Judge
180 W. Main Street, Room 104
Abingdon, VA 24210

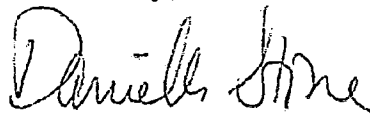
RE: Teresa Emerson

Dear Judge Jones:

I write in support of Ms. Emerson's application for termination of her probation. I represented Ms. Emerson in connection with her application for reinstatement of her license to practice professional nursing. Throughout the process, Ms. Emerson demonstrated the humility to learn from her past mistakes and the persistence to keep pursuing her goal of regaining licensure despite unexpected setbacks.

Ms. Emerson was driven to return to nursing not for selfish reasons like money or pride, but because of her insatiable desire to care for and help others. The Virginia Board of Nursing's decision to reinstate Ms. Emerson's professional nursing license represents a new beginning for her. If her probation is terminated, I believe that Ms. Emerson will make the most of the opportunity and will continue to both rely upon and serve her family, church, and community.

Sincerely,



Danielle Stone

BURTON & KILGORE, P.L.L.C

ATTORNEYS AT LAW

DEBRA A. KILGORE

P. O. BOX 5129

Telephone (304) 922-0057

PRINCETON, WEST VIRGINIA 24740

Email debra@lawbkb.com

DAVID BURTON
RETIRED

August 11, 2020

Honorable James P. Jones
U.S. District Judge
180 W. Main St., Room 104
Abingdon, Virginia, 24210

Re: Teresa Emerson

Dear Judge Jones:

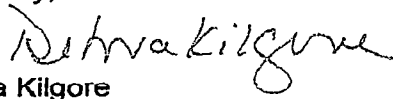
I represented Ms. Emerson in the criminal charges leading to her guilty plea and at sentencing. At sentencing I outlined Ms. Emerson's exceptional character and argued to Judge Berger she was a good candidate for probation. It appears this is true. Not only has Ms. Emerson met all terms and conditions of her probation, but she has continued to move forward to repair her life and career. In fact, she has regained her RN license and is now working to regain her Nurse Practitioner license.

As I have gotten to know Ms. Emerson over the past 4 years and throughout my dealings with her, she has always demonstrated honesty and integrity. She has also continued to care for her family and her community. She has demonstrated she needs no supervision to continue to be a productive member of society.

Prior to and since her sentence she has demonstrated her moral character by acknowledging responsibility and then moving forward with her life while continuing to help others.

I believe Ms. Emerson understands completely the circumstances that led to her conviction and that she will never let this happen again. Instead she will care for her family and patients with integrity and serve her profession and community well.

Sincerely,


Debra Kilgore

August 14, 2020

Honorable James P. Jones,

I am writing you in reference to Teresa Emerson. I have had the pleasure to pastor Teresa for the past 25 years. During such time I have observed a person who has a genuine love for church, family and community. Teresa took on the responsibility of raising her twin step grandchildren at toddler age and are currently in their last year of middle school. She has instilled good work ethic and morals in these boys through keeping them in church and responsibilities and help on the farm.

Teresa is an active part of the church as a volunteer nurse. She has worked many hours of community service as well. Teresa is efficient, detail oriented and extremely competent. She has excellent rapport with people of all ages and her communication skills allow her to connect with all types of people and inspire them to put forth their best efforts.

I place all confidence in this young lady to do what is good and right for her community.

Yours in Christ,

A handwritten signature in black ink that reads "Austin Cook". The signature is written in a cursive, flowing style.

Pastor Austin Cook
Victory Baptist Church

August 24, 2020

Honorable James P. Jones
U. S. District Judge
180 W. Main Street, Room 104
Abingdon, VA 24210

Dear Judge Jones,

Your Honor, I am writing to petition the court on behalf of Teresa Emerson for an early release from probation.

I have known Teresa since high school, and she has proven herself many times over to be a kind, gracious, sincere friend and of fine and responsible character. She is dedicated to her family, friends, church and community. Teresa is also dedicated to her profession in nursing and would very much like to be able to return to that work. She was gracious to help me while caring for my elderly father with her wisdom and knowledge. I consider Teresa one of my closest friends and trust her completely.

Teresa was recently granted the reinstatement of her Registered Nursing license and it is my sincere hope that you will consider this letter of recommendation on her behalf for early release from probation. Teresa is a valued and honorable individual.

Sincerely,

A handwritten signature in cursive script that reads "Ellen P. James".

Ellen P. James
Retired Chief Deputy Treasurer, Washington County, VA

August 30, 2020

Honorable James P. Jones
US District Judge
180 West Main Street, Room 104
Abingdon, Va. 24210

Honorable Judge Jones,

I would like to speak on behalf of Teresa Emerson. I first met Teresa when she and I were both employees of East Coast Occupational Medical Center and Express Care, Chilhowie, Va. and East Coast Mobile Health Services in 2014. Teresa was the Nurse Practitioner and I the RN for the company. We worked closely together in this company and she always went above and beyond the call of duty. She demonstrated incredible kindness, care, compassion and concern for each and every patient. She was focused on the health, safety and well-being of all employees with the occupational health aspect of the company, accurate diagnosis and treatment of those injured or sick. I was truly honored to work with Teresa and have great respect and a lasting friendship with her.

Having been raised on a farm, Teresa learned at an early age the importance of hard work, dedication and honesty. She cared for her parents during their sickness and struggles, and, after their passing, decided to become a nurse. Teresa and her husband are now raising twin grandson's, which they have had since infancy. As teenager's now they are growing into respectful, polite, handsome young men.

Teresa also helps care for her elderly in-laws, takes care of all her farm animals, grows and preserves a huge garden, cooking, cleaning, yard work, as well as working full time at her job. "hard worker" truly describes Teresa. Never an idle moment. I truly don't know how she is able to accomplish everything she does.

Now, unable to work as a nurse, she accepts positions far from her professional knowledge and skill level to provide for her family. A dedicated member of her church, Teresa has kept her faith and dignity through all the trials that have come her way. I hope and pray Teresa will soon return to her true calling as a nurse and that she can be allowed to terminate her probation.

I have been an RN for 35 years, interacted with hundreds of fellow nurses, but Teresa exemplifies the title "nurse". Teresa cares, always putting others above herself, honest, professional and dedicated. We all need more nurses with these characteristics, we need more nurses like Teresa.

Thank You for the opportunity to speak on Teresa's behalf. It is truly an honor and blessing to know her.

Thank You,
Nancy L. Doss RN, BSN